

SENATE No. 1722

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for alternative delivery of infrastructure projects.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>

SENATE No. 1722

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1722) of Bruce E. Tarr, Keiko M. Orrall, Michael O. Moore, James Arciero and others for legislation relative providing for alternative delivery of infrastructure projects. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act providing for alternative delivery of infrastructure projects.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws, as appearing in the 2014 Official Edition, are hereby
2 amended by inserting after chapter 40W the following new chapter:-

3 CHAPTER 40X

4 PUBLIC PRIVATE PARTNERSHIPS

5 Section 1. Notwithstanding any general or special law to the contrary, a public agency, as
6 defined pursuant to section 44A of chapter 149, may elect to use public private partnerships
7 pursuant to section 1 to 18, inclusive.

8 Section 2. As used in section 1 to 18, inclusive, of this chapter the following words and
9 phrases when used in this chapter shall have the meanings given to them in this section unless
10 the context clearly indicates otherwise:

11 “Affected local jurisdiction.” A political subdivision in which all or a portion of an
12 eligible project is located.

13 “Eligible project.” A building or facility, including associated collection and distribution
14 infrastructure, used for public water supply or treatment, storm water treatment and disposal, or
15 waste water treatment and disposal.

16 “Material default.” A default by the operator in the performance of its duties under
17 section 11 which jeopardizes adequate service to the public from an eligible project.

18 “Offeror.” A private entity that submits a proposal under this chapter.

19 “Operator.” The private entity that is responsible for an eligible project or a portion of an
20 eligible project, including acquisition, design, construction, improvement, renovation, expansion,
21 equipping, maintenance and operation.

22 “Private entity.” An individual, corporation, limited liability company, partnership, joint
23 venture or other private business entity.

24 “Public-private partnership agreement.” An agreement between a public agency and a
25 private entity that involves the planning, financing, development, or operation, or combination
26 thereof, of an eligible project using any delivery method or agreement or combination of
27 methods or agreements that the public agency determines will address the needs of the public
28 agency and serve the public interest.

29 “Responsible offeror.” An offeror that has submitted a responsive proposal and possesses
30 the capability to fully perform the contract requirements in all respects and the integrity and
31 reliability to assure good faith performance.

32 “Revenue.” Any of the following generated by an eligible project:

33 (1) A user fee.

34 (2) A service payment.

35 “Service payment.” A performance-based payment to the operator of an eligible project
36 pursuant to a public-private partnership agreement.

37 “User fee.” The rate or other charge imposed by the operator or the public agency, as
38 applicable, for use of the eligible project.

39 Section 3. Grant of Authority

40 Notwithstanding any general or special law to the contrary, a public agency may solicit
41 proposals and enter into a public-private partnership agreement for an eligible project with that
42 responsible offeror submitting the proposal that is most advantageous to the public agency in
43 accordance with this chapter; provided, however, that the public-private partnership agreement
44 shall not be subject to section 14 to 21, inclusive, of chapter 149A and the competitive bid
45 requirements set forth in sections 44 to 57, inclusive, of chapter 7C, section 39M of chapter 30,
46 or sections 44A to 44J, inclusive, of chapter 149 of the General Laws; and provided further, that
47 each such contract shall be awarded pursuant to chapter 30B of the General Laws, except for
48 clause (3) of paragraph (b) of section 6, clause (3) of paragraph (e) of said section 6, paragraph
49 (g) of said section 6 and sections 13 and 16.

50 Section 4. Unsolicited proposals.

51 A private entity may request consideration and approval of a proposed public-private
52 partnership agreement for an eligible project. The request may be submitted to the applicable

53 public agency, and any proposal under this section shall not be approved unless the public
54 agency follows procedures outlined in section 5. A request shall be accompanied by the
55 following material and information:

56 (1) A topographic map of 1:2,000 or other appropriate scale indicating the location of the
57 eligible project.

58 (2) A description of the eligible project, including the conceptual design of the facility or
59 a conceptual plan for the provision of services and a schedule for the initiation of and completion
60 of the eligible project to include the proposed major responsibilities and timeline for activities to
61 be performed by both the public agency and private entity.

62 (3) A statement setting forth the method by which the private entity proposes to secure
63 the necessary property interests required for the eligible project. The statement shall include the
64 following:

65 (i) The names and addresses, if known, of the current owners of the property needed for
66 the eligible project.

67 (ii) The nature of the property interests to be acquired.

68 (4) Information relating to the current plans, if any, for development of facilities to be
69 used by a public agency that are similar to the eligible project being proposed by the private
70 entity.

71 (5) A list of all permits and approvals required for the eligible project from federal, state
72 or political subdivisions and a projected schedule for obtaining the permits and approvals.

73 (6) A list of any utility facilities known to the private entity that may be crossed or
74 affected by the eligible project and a statement of the plans of the operator to accommodate the
75 crossings or affected facilities.

76 (7) A statement setting forth the private entity's general plans for financing the eligible
77 project, including the sources of the private entity's funds.

78 (8) The names and addresses of the persons who may be contacted for further
79 information concerning the request.

80 (9) User fees and other service payments proposed in the public-private partnership
81 agreement, including frequency of assessments and the methodology and circumstances for
82 changes to the user fees or other service payments.

83 (10) Any additional material and information as the public agency may reasonably
84 request.

85 Section 5. Solicitation of proposals

86 (a) The request for proposals for an eligible project shall specify the method for
87 comparing proposals to determine the proposal offering the lowest overall cost to the public
88 agency, including, but not limited to, all capital financing, operating and maintenance and life-
89 cycle costs. If the public agency awards the contract to an offeror who did not submit the
90 proposal with the lowest overall cost, the public agency shall explain the reason for the award in
91 writing. The request for proposals shall set forth performance guarantees, which the selected
92 offeror will be required to meet in operating the eligible project as constructed or improved. The

93 public-private partnership agreement that is negotiated with the selected offeror based on the
94 request for proposals shall, shall contain the terms required in section 7.

95 (b) The chief procurement officer of the public agency shall solicit proposals through a
96 request for proposals which shall include those items in subsection of (a) of this section 5 and
97 those items in clauses (1) and (2) of paragraph (b) of section 6 of chapter 30B of the General
98 Laws and the proposed key contractual terms and conditions for the public-private partnership
99 agreement, some of which may be mandatory or non-negotiable. The request for proposals may
100 also request proposals or offer options for fulfillment of other contractual terms and other matters
101 as may be determined by the public agency. The request for proposals shall provide for the
102 submission of separate price proposal and shall indicate when and how the offerors shall submit
103 the price proposal.

104 (c) Copies of a request for proposals shall be made available to any interested person
105 residing within the affected local jurisdiction upon request to the public agency. A public agency
106 may establish procedures for the distribution of a request for proposals, including the imposition
107 of a fee to reimburse the public agency for the costs of photocopying and mailing.

108 (d) Offerors shall submit their sealed proposals to ensure that they are received prior to
109 the time and date established for receipt of the proposals. Sealed proposals shall be submitted in
110 the format required by the public agency. All sealed proposals shall be opened at the time, date
111 and place designated in the request for proposals.

112 (e) The public agency may charge a reasonable fee to cover the costs of processing,
113 reviewing and evaluating the proposal, including reasonable attorney fees and fees for financial
114 and other necessary advisers or consultants.

115 Section 6. Evaluation of proposals.

116 (a) Evaluation criteria. A public agency shall evaluate each proposal to determine which
117 one, if any, has the best value for and is in the best interest of the public agency. In making this
118 determination, a public agency may consider any of the following:

119 (1) Price.

120 (2) Financial commitment.

121 (3) Innovative financing.

122 (4) Bonding Capacity.

123 (5) Technical, scientific, technological or socioeconomic merit and innovation.

124 (6) Design, operation and feasibility of the eligible project.

125 (7) Public reputation, qualifications, industry experience, and financial capacity of the
126 private entity.

127 (8) The compatibility of the proposal with existing and future land use plans of the
128 affected local jurisdictions.

129 (9) The compatibility of the proposal with existing statutory, regulatory, and planning
130 requirements of the affected local jurisdictions as well as regional, state, and federal entities

131 (10) Other factors deemed appropriate by the public agency.

132 (b) Weighted consideration. The relative importance of each evaluation factor shall be
133 fixed prior to opening the proposals.

134 (c) Discussion with responsible offerors and revision of proposals. As provided in the
135 request for proposals, discussions and negotiations may be conducted with responsible offerors
136 for the purpose of clarification and of obtaining best and final offers. Responsible offerors shall
137 be accorded fair and equal treatment with respect to any opportunity for discussion and revision
138 of proposals. In conducting discussions, there shall be no disclosure of any information derived
139 from proposals submitted by competing offerors.

140 (d) Selection for negotiation. The responsible offeror whose proposal is determined in
141 writing to be the best value for and in the best interests of the public agency, taking into
142 consideration all evaluation factors, shall be selected for contract negotiation.

143 (e) Cancellation. A request for proposals may be canceled at any time prior to the time a
144 public private partnership agreement is executed by all parties when it is in the best interests of
145 the public agency.

146 (f) Award. Upon reaching an agreement with a responsible offeror, the public agency
147 shall enter into a public-private partnership agreement with the responsible offeror. The public-
148 private partnership agreement shall be consistent with the requirements of this chapter. If
149 agreement cannot be reached with the responsible offeror, then negotiations shall be formally
150 terminated with the responsible offeror. If proposals were submitted by one or more other
151 responsible offerors, negotiations may be conducted with the other responsible offeror or
152 offerors in the order of their respective qualification ranking. The contract may be awarded to the
153 responsible offeror whose proposal is then ranked as providing the best value.

154 Section 7. Implementation

155 (a) Contracts. Prior to acquiring, financing, designing, constructing, improving,
156 renovating, expanding, equipping, maintaining or operating the eligible project, the private entity
157 shall enter into a comprehensive partnership contract detailing the public-private partnership
158 agreement with the public agency. The contract shall provide for all of the following:

159 (1) Delivery of maintenance, performance and payment bonds or letters of credit in
160 connection with the acquisition, design, construction, improvement, renovation, expansion,
161 equipping, maintenance or operation of the eligible project, in the forms and amounts
162 satisfactory to the public agency.

163 (2) Review of plans and specifications for the eligible project by the public agency and
164 approval by the public agency if the plans and specifications conform to standards acceptable to
165 the public agency. This paragraph may not require the private entity to complete design of an
166 eligible project prior to the execution of a contract.

167 (3) Inspection of the eligible project by the public agency to ensure that the operator's
168 activities are acceptable to the public agency in accordance with the public-private partnership
169 agreement.

170 (4) Maintenance of policies of liability insurance, copies of which shall be filed with the
171 public agency accompanied by proofs of coverage, self-insurance, in form and amount
172 satisfactory to the public agency and reasonably sufficient to insure coverage of tort liability to
173 the public and employees and to enable the continued operation of the eligible project.

174 (5) Monitoring of the practices of the operator by the public agency to ensure that the
175 eligible project is properly maintained.

176 (6) Reimbursement to be paid to the public agency for services provided by the public
177 agency.

178 (7) Filing of appropriate financial statements on a periodic basis.

179 (8) Policies and procedures governing the rights and responsibilities of the public agency
180 and the operator in the event the contract is terminated or there is a material default by the
181 operator. The policies and procedures shall include conditions governing assumption of the
182 duties and responsibilities of the operator by the public agency and the transfer or purchase of
183 property or other interests of the operator by the public agency.

184 (b) Fees. The contract may provide for a user fee or service payment, or both. A copy of
185 a service contract must be filed with the public agency. When negotiating a user fee under this
186 section, the parties shall establish payments or fees that are the same for a person using the
187 facility under like conditions and that will not materially discourage use of the eligible project.
188 The execution of the contract or an amendment to the contract constitutes conclusive evidence
189 that the user fee or service payment provided for complies with this chapter. A user fee
190 established in the contract as a source of revenue may be in addition to or in lieu of a service
191 payment.

192 (c) Grants or loans. In the contract, the public agency may agree to make a grant, if the
193 terms of the grant allow, or loan to the operator from an amount received from the Federal or
194 State government or a political subdivision or from one of their agencies or instrumentalities.

195 (d) Debt. A public agency may issue and sell bonds or notes for the purpose of
196 providing funds to carry out this chapter with respect to the development, financing or operation
197 of an eligible project or the refunding of any bonds or notes, together with any costs associated

198 with the transaction. For the purpose of financing an eligible project, the department and
199 operator may apply for, obtain, issue and use private activity bonds available under any Federal
200 law or program. Any bonds, debt, other securities or other financing issued for the purposes of
201 this chapter shall not be considered a debt of the commonwealth or a pledge of the faith and
202 credit of the commonwealth.

203 (e) Duties. The contract shall incorporate the duties of the operator under this chapter
204 and may contain other terms and conditions that the public agency determines serve the public
205 purpose under section 6. The contract may contain any of the following:

206 (1) Provisions under which the public agency agrees to provide notice of default and
207 right to cure for the benefit of the operator and the persons specified in the notice as providing
208 financing for the eligible project.

209 (2) Other lawful terms and conditions to which the operator and the public agency
210 mutually agree, including provisions regarding unavoidable delays or provisions providing for a
211 loan of public funds to the operator to acquire, design, construct, improve, renovate, expand,
212 equip, maintain or operate one or more eligible projects.

213 (3) Provisions under which the authority and duties of the operator under this chapter
214 shall cease and the eligible project is dedicated to the public agency or, if the eligible project was
215 initially dedicated by an affected local jurisdiction, to the affected local jurisdiction for public
216 use.

217 (4) Provisions for activities, as necessary, to carry out the purposes authorized in this
218 chapter including, but not limited to, financing, equipment installation and replacement,
219 performance testing and operation, studies, design and engineering work, construction work,

220 ordinary repairs and maintenance and the furnishing of all related materials, supplies and
221 services required for the eligible project and the management, operation, maintenance and repair
222 of the eligible project.

223 (f) Amendments. Change in the terms of the contract, as may be agreed upon by the
224 parties, shall be added by written amendment.

225 (g) Date. In connection with its approval of the eligible project, the public agency shall
226 establish a date for the commencement of activities related to the eligible project. The public
227 agency may extend the date.

228 (h) Public access. Any documents created by or provided to a public agency under this
229 chapter shall be subject to inspection and copying only to the extent required under section 10 of
230 chapter 66 of the general laws pertaining to access to public records.

231 (i) Debt capacity. A contract entered into under this chapter shall not enlarge, diminish
232 or affect the authority otherwise possessed by the public agency to take action that would impact
233 the debt capacity of the Commonwealth or any of its political subdivisions.

234 (j) If, after negotiation with the offeror, the chief procurement officer determines that it
235 is in the public agency's best interests, the chief procurement officer may initiate negotiations
236 with the next most advantageous proposal from a responsible offeror, taking into consideration
237 price, estimated life-cycle costs and the other evaluation criteria set forth in the request for
238 proposals. The chief procurement officer shall award the public-private partnership agreement to
239 the most advantageous proposal from a responsible offeror. Subject to the approval of the public
240 agency, the chief procurement officer shall award the public private partnership agreement by

241 written notice to the selected offeror. The parties may extend the time for acceptance by mutual
242 agreement.

243 (k) Any public-private partnership agreement awarded under this act shall be subject to
244 the terms and conditions as the public agency shall determine to be in the best interests of the
245 public agency. The execution of a public-private partnership agreement under this chapter shall
246 be contingent upon, the selected offeror furnishing to the public agency performance bonds,
247 payment bonds, and liability insurance in the form and in amounts satisfactory to the public
248 agency.

249 Section 8. Term of agreement.

250 (a) Notwithstanding any general or special law to the contrary, public-private partnership
251 agreements awarded under this chapter may provide for a term, not exceeding 20 years, and an
252 option for renewal or extension of operations and maintenance services for 1 additional term, not
253 exceeding 10 years. The renewal or extension shall be at the sole discretion of the public agency
254 in accordance with the original contract terms and conditions or with contract terms and
255 conditions which are more favorable to and acceptable to the public agency.

256 (b) Upon the end of the term of the public-private partnership agreement or in the event of
257 termination of the public-private partnership agreement, the duties of the parties thereto shall
258 cease, except for any duties and obligations that extend beyond the termination as provided in the
259 public-private partnership agreement, and all the rights, title and interest in such eligible project
260 shall revert to the public agency and shall be dedicated to the public agency for public use.

261 (c) A public-private partnership agreement entered into under this chapter may provide
262 that the public agency shall not be exempt from liability for payment of the costs to finance,

263 permit, design and construct modifications or install new equipment and systems at the eligible
264 project necessary to ensure the ability of the eligible project to operate in full compliance with all
265 applicable requirements of federal, state and local law; provided, that the costs shall be amortized
266 over a period that is no longer than the useful life of the modifications, equipment and systems.
267 The public agency's payment obligations for all operations and maintenance services shall be
268 conditioned on the contractor's performance of the services in accordance with all contractual
269 terms.

270 Section 9. Affected local jurisdictions.

271 (a) Notification. Prior to entering into a public-private partnership agreement with a
272 responsible offeror in accordance with this chapter, the public agency shall notify each affected
273 local jurisdiction by furnishing a copy of the proposal to each affected local jurisdiction. The
274 responsible offeror shall reimburse the public agency for costs incurred by the agency in
275 furnishing a copy of the proposal to each affected local jurisdiction.

276 (b) Comments. Each affected local jurisdiction that is not the applicable public agency
277 for the respective eligible project shall, within 30 days after receiving the notice, submit any
278 comments it may have in writing on the proposed eligible project to the applicable public agency
279 and indicate whether the facility is compatible with the local ordinance requirements and other
280 local requirements. The comments shall be given consideration by the public agency prior to
281 entering a public-private partnership agreement with a private entity.

282 Section 10. Powers and duties of operator.

283 (a) Powers. The operator shall have the power to acquire, design, construct, improve,
284 renovate, maintain, expand, equip or operate the eligible project and impose and collect a user
285 fee or enter into a service contract in connection with the use of its power.

286 (b) Right. The operator may own, lease or acquire any other right to use or operate the
287 eligible project.

288 (c) Financing.

289 (1) Notwithstanding paragraph (2), any financing of the eligible project may be in an
290 amount and upon terms and conditions as may be determined by the operator.

291 (2) The operator may issue debt, equity or other securities or obligations, enter into sale
292 and leaseback transactions and secure any financing with a pledge of, security interest in or lien
293 on any or all of its property, including all of its property interests in the eligible project.

294 (d) Operation. In operating the eligible project, the operator may do all of the following:

295 (1) Make classifications according to reasonable categories for assessment of user fees.

296 (2) With the consent of the public agency, make and enforce reasonable rules to the same
297 extent that the public agency may make and enforce rules with respect to similar facilities.

298 (e) Duties. The operator shall do the following:

299 (1) Acquire, design, construct, improve, renovate, expand, equip, maintain or operate the
300 eligible project in accordance with the public-private partnership agreement.

301 (2) Keep the eligible project open for use by members of the public as appropriate based
302 upon the use of the facility after its initial opening upon payment of the applicable user fee or

303 service payment. The eligible project may be temporarily closed because of emergencies or with
304 the consent of the public agency, to protect the safety of the public or for reasonable construction
305 or maintenance procedures as set forth under the public-private partnership agreement.

306 (3) Maintain or provide by contract for the maintenance of the eligible project, if
307 required by the public-private partnership agreement.

308 (4) Cooperate with the public agency in making best efforts to establish any
309 interconnection with the eligible project requested by the public agency.

310 (5) Comply with the public private-partnership agreement and any service contract.

311 (f) Additional services. This section does not prohibit an operator of an eligible project
312 from providing additional services for the eligible project to private entities or local agencies,
313 other than the public agency that is party to the public-private partnership agreement, if the
314 provision of additional service does not impair the operator's ability to meet its commitments to
315 the public agency under the public-private partnership agreement.

316 Section 11. Federal, state and local assistance.

317 The public agency may obtain assistance from the Federal or State government or one of
318 its political subdivisions for an eligible project in accordance with the purposes under section 6)
319 and may enter into a contract in order to receive the assistance. The public agency may pay a
320 portion of the costs of an eligible project directly or indirectly from the proceeds of a grant or
321 loan made by the Federal or State government or one of its political subdivisions.

322 Section 12. Material default and remedies.

323 (a) General rule. If there is a material default by the operator of an eligible project, the
324 public agency may assume the responsibilities and duties of the operator, in which case it shall
325 succeed to any right, title and interest in the eligible project, subject to any liens on revenue
326 previously granted by the operator to any person providing financing.

327 (b) Condemnation. A public agency which is a party to a partnership contract, and which
328 has the power of condemnation under State law, may exercise the power of condemnation to
329 acquire the eligible project in the event of a material default by the operator. A person who has
330 provided financing for the eligible project, and the operator to the extent of its capital
331 investment, may participate in the condemnation proceedings with the standing of a property
332 owner.

333 (c) Termination. For cause shown, the public agency may terminate the public-private
334 partnership agreement and exercise any other rights and remedies that may be available at law or
335 in equity.

336 (d) Claims. The public agency may make or cause to be made any appropriate claims
337 under maintenance, performance or payment bonds or lines of credit required under this chapter.

338 (e) Procedure after takeover. If a public agency takes over an eligible project pursuant to
339 (a), it may acquire, design, construct, improve, renovate, operate, expand, equip or maintain the
340 eligible project, impose user fees, and comply with service contracts as if it were the operator.
341 Revenue subject to a lien shall be collected for the benefit of and paid to secured parties, as their
342 interests may appear, to the extent necessary to satisfy the operator's obligations to secured
343 parties, including the maintenance of reserves. Liens shall be correspondingly reduced and
344 released when they are paid off. Before a payment to or for the benefit of secured parties, the

345 public agency may use revenue to pay current operation and maintenance costs of the eligible
346 project, including compensation to the responsible public agency for its services in operating and
347 maintaining the eligible project. The right to receive payment, if any, is just compensation for the
348 eligible project. The full faith and credit of the public agency may not be pledged to secure any
349 financing of the operator by the election to take over the eligible project. Assumption of
350 operation of the eligible project may not obligate the public agency to pay an obligation of the
351 operator from sources other than revenue.

352 Section 13. Utility Crossings.

353 Notwithstanding any other provision of law, the following shall apply:

354 (1) The operator and each public utility, railroad and cable television provider whose
355 facilities are to be crossed or affected by an eligible project shall cooperate fully in planning and
356 arranging the manner of the crossing or relocation of the facilities.

357 (2) All costs incurred by the public utility, railroad or cable television provider in
358 relocating, constructing or reconstructing its facilities, including temporary facilities, shall be
359 paid by the operator.

360 (3) If the operator and a public utility, railroad or cable television provider are unable to
361 agree upon costs to be paid by the operator under paragraph (2), the department of public utilities
362 of the Commonwealth shall determine the amount of the payment to be made by the operator.

363 Section 14. Governmental immunity.

364 This chapter shall not be construed or deemed to constitute a waiver of the governmental
365 immunity of a public agency or an affected local jurisdiction with respect to participation in or

366 approval of an eligible project or its operation, including interconnection of the eligible project
367 with another infrastructure or project. An affected local jurisdiction has governmental immunity
368 with respect to an eligible project's design, construction and operation.

369 Section 15. Special approval.

370 A public agency may enter into a private-partnership agreement under this chapter only
371 with the approval of its governing body.

372 Section 16. Exclusivity.

373 The provisions of this chapter shall constitute the exclusive method of procurement for
374 agreements entered into under this chapter, notwithstanding any other law. In the event of a
375 conflict with another statute or regulation, the provisions of this chapter shall govern.

376 Section 17. Use of intellectual property.

377 Unless otherwise agreed and except to the extent not transferable by law, the public
378 agency shall have the right to use all or a portion of a submitted proposal, including the
379 technologies, techniques, methods, processes and information contained in the proposal. Notice
380 of nontransferability by law shall be given to the public agency in response to the request for
381 proposals.

382 Section 18. Regulations.

383 The Office of the Inspector General shall, within 12 months of the effective date of this
384 section, promulgate proposed regulations which are necessary to implement the provisions of
385 this chapter.